

# Notice of Allowability

Application No.

10/655,710

Examiner

Longbit Chai

Applicant(s)

RIPLEY, MICHAEL S.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to phone interview on 8/28/2007.
2. ☒ The allowed claim(s) is/are 1-5, 13-16 and 20-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/28/2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
SYED A. ZIA  
PRIMARY EXAMINER

## DETAILED ACTION

### *Examiner's Amendment*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Michael R. Barre (Reg. No. 44,023) on 28 August 2007.

This application has been amended as follows:

**IN THE CLAIMS**

**Cancel claim 6 – 12, 17 – 19 and 24 – 26.**

**Replace claims 1, 2, 13 and 20.**

#### **Claim 1:**

A system for detection of a watermark in digital content, comprising:  
a recording device having a first watermark detection component of a first sensitivity for detecting the watermark in digital content; and

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a playback device having a second watermark detection component of a second sensitivity for detecting the watermark in a digital content recording made by the recording device;

wherein the first sensitivity is more sensitive than the second sensitivity, in that the recording device checks the digital content for the watermark more often than the playback device checks the digital content for the watermark, or the recording device checks the digital content for the watermark with a computational precision less than a computational precision used by the playback device to check the digital content for the watermark;

the recording device to make an unencrypted recording of the digital content for playback by the playback device when the watermark is not detected in the digital content and to make an encrypted recording of the digital content for playback by the playback device when the watermark is detected in the digital content; and

the playback device to play the unencrypted recording when the watermark is not detected and to not play the unencrypted recording when the watermark is detected.

**Claim 2:**

The system of claim 1, wherein the digital content processed by the recording device is unencrypted.

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**Claim 13:**

A method for processing unencrypted digital content in a recording device and for subsequent playback by a playback device comprising:

performing, by a watermark detection component of the recording device, a detection operation for detecting a watermark in the unencrypted digital content, the detection operation being more sensitive for detecting the watermark than a detection operation of a watermark detection component of the playback device, in that the recording device checks the unencrypted digital content for the watermark more often than the playback device checks the unencrypted digital content for the watermark, or the recording device checks the unencrypted digital content for the watermark with a computational precision less than a computational precision used by the playback device to check the unencrypted digital content for the watermark;

the recording device to make ~~making~~ an unencrypted recording of the unencrypted digital content for playback by the playback device when the watermark is not detected in the unencrypted digital content; and

the recording device to make ~~making~~ an encrypted recording of the unencrypted digital content for playback by the playback device when the watermark is detected in the unencrypted digital content; and

the playback device to play the recording when the watermark is not detected and to not play the recording when the watermark is detected.

**Claim 20:**

An article of manufacture comprising:

a tangible, computer readable storage medium having a plurality of machine readable instructions, wherein when the instructions are executed by a processor, the instructions provide for processing unencrypted digital content in a recording device for subsequent playback by a playback device by

performing, by a watermark detection component of the recording device, a detection operation for detecting a watermark in the unencrypted digital content, the detection operation being more sensitive for detecting the watermark than a detection operation of a watermark detection component of the playback device, in that the recording device checks the unencrypted digital content for the watermark more often than the playback device checks the unencrypted digital content for the watermark, or the recording device checks the unencrypted digital content for the watermark with a computational precision less than a computational precision used by the playback device to check the unencrypted digital content for the watermark;

making an unencrypted recording of the unencrypted digital content for playback by the playback device when the watermark is not detected in the unencrypted digital content; and

making an encrypted recording of the unencrypted digital content when the watermark is detected in the unencrypted digital content; and

wherein when the instructions are executed by the playback device, the instructions provide for the playback device to play the recording when the watermark is not detected and to not play the recording when the watermark is detected.

***Allowable Subject Matter***

Claims 1 – 5, 13 – 16 and 20 – 23 are allowed.

The following is an examiner's statement of reasons for allowance:

The above mentioned claims are allowable over prior arts because the CPA (Cited Prior Art) of record fails to teach or render obvious the claimed limitations in combination with the specific added limitations, as recited in the independent claims 1, 13 and 20.

The prior arts fail to teach or suggest a system for detection of a watermark in digital content, comprising a recording device having a first watermark detection component of a first sensitivity for detecting the watermark in digital content; and a playback device having a second watermark detection component of a second sensitivity for detecting the watermark in a digital content recording made by the recording device; wherein the first sensitivity is more sensitive than the second sensitivity, in that the recording device checks the digital content for the watermark more often than the playback device checks the digital content for the watermark, or the recording device checks the digital content for the watermark with a computational precision less than a computational precision used by the playback device to check the

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digital content for the watermark; the recording device to make an unencrypted recording of the digital content for playback by the playback device when the watermark is not detected in the digital content and to make an encrypted recording of the digital content for playback by the playback device when the watermark is detected in the digital content; and the playback device to play the unencrypted recording when the watermark is not detected and to not play the unencrypted recording when the watermark is detected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
LBC

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